

RECEIVED
CENTRAL FAX CENTER
JUL 27 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application


Inventor(s): Steve Mitchell
Appln. No.: 10/685,139
Confirm. No.: 4489
Filed: October 14, 2003
Title: INTERSPINOUS PROCESS AND
SACRUM IMPLANT AND METHOD

PATENT APPLICATION

Art Unit: 3733
Examiner: Hoffman, Mary C.
Atty. Docket No.: SFMT-01075US1

Customer No. 23910

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8
I hereby certify that this correspondence is being transmitted by facsimile to the
Commissioner for Patents, the United States Patent and Trademark Office, Facsimile
No. (571) 273-8300, on the date shown below.


Mathew Otis (Signature)
Signature Date: 7/27/06

INTERVIEW SUMMARY

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

This is a summary of the points of discussion raised during an interview with
Examiner Hoffman of the USPTO and Mr. Sheldon Meyer and Dr. Anthony Craig on
behalf of the Applicant, on Thursday 20 July, 2006 at 10:00AM (PCT).

During the interview Examiner Hoffman was asked whether, with reference to
independent claims 1, 7, 26 and 43, negative limitations could be used to distinguish the
invention over the Lee reference.

With respect to a proposed amendment to claim 1, if the "base was hung on the
vertebrae", Examiner Hoffman indicated the claim would be rejected based on 35 U.S.C.
101 claim to non statutory subject matter. Examiner Hoffman also indicated that this

type of rejection could be avoided by using the language "base is adapted to be hung on the vertebrae".

With respect to claims 7 and 26, the Examiner indicated that she would need more time to consider whether "a spacer necessarily is in contact with the base" or whether "the device contacts the beam directly" respectively.

The Examiner suggested that with respect to claim 43, the claim was not clearly written, but that in general disavowing a hook to latch from the opposite direction, if clearly defined, could be used to distinguish over Lee.

The undersigned thanks Examiner Hoffman for her helpful insights.

Respectfully submitted,

Date:

7/27/06

By:

Anthony G. Craig
Reg. No. 50,342

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800
Facsimile: (415) 362-2928
Customer No. 23910
ACraig@fdml.com